

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Sixteenth day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice S. BASKARAN

CRIMINAL MISCELLANEOUS PETITION No.2361 of 2017

IN CRL A.81/2017

T.MATHALAGAN

[APPELLANT / ACCUSED]

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
CUDDALORE.

[RESPONDENT]

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the sentence imposed on the petitioner in Spl.C.C.No.6 of 2010 on the file of the learned Special Court for Chief Judicial Magistrate at Cuddalore, Judgment dated 25.01.2017 pending disposal of the Criminal Appeal No.81/2017 2017.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.P.KUMARESAN, Advocate for the petitioner and of MR.E. RAJA, PUBLIC PROSECUTOR (V&AC) on behalf of the Respondents the court made the following order:-

The petitioner, who is the sole accused in Special C.C.No.6 of 2010 on the file of the learned Special Court for Chief Judicial Magistrate, Cuddalore, seeks suspension of sentence, against the sentence imposed, by judgment dated 25.01.2017, by granting him appeal bail under Section 389(1) Cr.P.C., pending disposal of the above appeal.

2. After trial, petitioner/appellant, was convicted and sentenced as under:-

(a) Under Section 7 of Prevention of Corruption Act, 1988 sentenced to undergo 1 year Rigorous imprisonment and to pay a fine of Rs.1,000/- in default to undergo 3 months simple imprisonment.

(b) Under Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 sentenced to undergo 1 year Rigorous Imprisonment and to pay a fine of Rs.1,000/- in default to undergo 3 months simple imprisonment.

3. The learned counsel for the petitioner submitted that the petitioner/appellant has a fair chance of succeeding in the appeal as there is prima facie case, in favour of the petitioner. He also submitted that the petitioner has paid the fine amount of Rs.2,000/- before the trial court and the sentence of imprisonment has been suspended till 23.02.2017. In the circumstances, he may be granted bail.

4. Heard the learned Special Public Prosecutor appearing for the State.

5. I have considered the rival submissions, perused the judgment of the trial court and the evidence pointed out by either side.

6. Considering the facts and circumstances of the case, I find that some arguable points are involved in this criminal appeal, which are required to be examined in detail. Accordingly, I am inclined to grant the following relief:-

(a) Appeal bail is granted to the petitioner/appellant.

(b) His sentence of imprisonment alone is suspended on condition that the petitioner executes a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of learned Special Court for Chief Judicial Magistrate Court, Cuddalore.

(c) Petitioner/appellant shall report before the said court on the first working day of every month at 10.30 am., until further orders.

-sd/-
16/02/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SPECIAL COURT FOR
CHIEF JUDICIAL MAGISTRATE,
CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VIGILANCE AND ANTI-CORRUPTION,
CUDDALORE.

+1C.C. to M/S.P.KUMARESAN Advocate on payment of necessary
charges SR.NO.3260

Order

in
CRL MP.2361/2017

in
CRL A.81/2017

Date :16/02/2017

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MK:17/02/2017